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PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

HEARING DATE: October 31, 2002

TO: Orange County Zoning Administrator

FROM: Current Planning Services Division

SUBJECT: Public Hearing on Planning Application PA02-0090 for Use Permit.

PROPOSAL: Use Permit request to construct a 17-foot 6-inch high detached garage within the rear setback area of the building site. The permitted height for accessory structures within the setback area is 12 feet. The proposed structure and the existing garage will cover 32% of the rear setback area instead of the permitted 25%. The structure will not exceed the overall building site coverage of 50% for the entire site.

LOCATION: 14331 Holt Avenue, in unincorporated Tustin within the North Tustin Specific Plan and in the Third Supervisorial District.

APPLICANT: Julius Deocamp on behalf of Gregg & Pamela Bunch.

STAFF CONTACT: James Thue, Project Manager
Phone: (714) 834-2179 FAX: (714) 834-4652

SYNOPSIS: Current Planning Services Division recommends Zoning Administrator approval of PA 02-0090 subject to findings and conditions.

BACKGROUND:

The subject property is located in the North Tustin Specific Plan and is designated RSF "Residential Single-family". The intention of the RSF district is to allow for detached dwellings with large private yards. Setbacks for the subject site require 25 feet for the front, 25 feet for the rear, and 11 feet for the side yard. The existing primary residential structure satisfies all the required setbacks. Zoning Code Section 7-9-137 states that accessory structures may be located anywhere on the property. However, the proposed structure will exceed the height limit in the rear yard setback area as well as exceed the permitted setback area coverage for the rear yard setback area. Therefore, this proposal requires approval of a Use Permit.

The subject site is located in the Vanderlip Rowan Tract. The Vanderlip Rowan Tract was part of the Santa Ana Ranchero and was composed of small farms. The existing home is an old farmhouse from that time. In 1990 an addition of a porch and interior remodeling was done to the home. In 1987 a detached

garage with a second floor attic was constructed. The existing building site coverage of the lot is approximately 18.4%.

SURROUNDING LAND USE:

The subject property is located on the corner of Holt Avenue and Bigelow Park. All neighboring homes are located in the North Tustin Specific Plan and are designated RSF “Residential Single-family”. The property is located within the realm of the North Tustin Advisory Committee (NTAC). Neighbors located to the east near Livingston Street and Bigelow Park are zoned E4 “Small Estates”.

REFERRAL FOR COMMENT AND PUBLIC NOTICE:

A Notice of Hearing was mailed and posted as required by law. A copy of the planning application and a copy of the proposed site plan were distributed to various county divisions for review and comment. As of the writing of this staff report, no objections to the project have been received.

The proposal was also sent to the North Tustin Advisory Committee for review. NTAC approved the proposal on September 18, 2002 with two conditions. First, that the applicant secures signatures from neighboring properties indicating their support for the project. Second, that the County of Orange contact them to clarify the type of approval being granted. These conditions have been satisfied.

CEQA COMPLIANCE:

The project is Categorical Exempt (Class 1) from the provisions of the California Environmental Quality Act (CEQA).

DISCUSSION/ANALYSIS:

The lot size of the property is 27,002 square feet. The existing site includes a 4,098 square foot single-family dwelling with a detached two-story garage measuring 880 square feet. The existing garage is approximately 20 feet high and is located in the northwest of the rear yard. The applicant is proposing to construct a second over-height detached garage in the southwest corner of the site within the rear setback area. The proposed garage will store an RV, jet skis, and other items that would otherwise lay in open view and detract from the neighborhood. The applicant has provided photos showing similar projects that have been constructed in the surrounding community. The new garage will measure 1,224 square feet bringing the total coverage on the property to approximately 6,202 square feet or 23% of the property. Therefore, the structures on the property will not exceed the overall building site coverage of 50% for the entire site as permitted in the RSF Designation.

Zoning Code Section 7-9-137(e) states that accessory structures are limited to a height of 12 feet within the rear setback unless a Use Permit is approved to increase the maximum permitted height. The applicant is proposing to construct the garage at a height of approximately 17'6". The proposed garage will be located 7 feet from the left property line and 7 feet from the rear property line. The existing garage is located on a panhandle in the rear yard and is 4 feet from the right property line, 6 feet from the rear property line, and 8 feet from the left property line.

Zoning Code Section 7-9-137(f) states that accessory structures are limited to 25% coverage of the rear setback area. The proposed structure along with the existing structure will cover approximately 32% of the 25-foot rear yard setback area. Since the structures in the rear yard will exceed the 25% permitted coverage in the rear setback area and the structure will be over-height a Use Permit is required.

The proposed structure will be designed with wood siding to match the style and color of existing structures on site. Neighbors to the rear and to the south do not have trees or plants that will provide screening. The proposal does not address any proposed landscaping. Staff believes that the over-height structure has the potential of having a visual impact on the neighborhood and therefore substantial landscaping shall be in place behind the garage to provide screening to neighboring properties. A condition of approval addressing landscaping and screening for the structure is included in Appendix B.

CONCLUSION OR SUMMARY:

The applicant shall provide adequate landscaping and screening to buffer the site from surrounding neighbors. The applicant received several signatures from neighboring residences in support of the project. As originally planned the proposed structure was 3 feet from the rear and side property line at a height of 18 feet. After a meeting with Current Planning Staff the garage was moved to 7 feet from the rear property line and 7 feet from the side property line at a height of 17'6". The structure is separated by approximately 7 feet from the single-family dwelling. Any additional movement closer to the residence would upset the balance of the property. The distance from the property line in conjunction with adequate landscaping will provide sufficient screening and buffering from neighboring residences. Staff believes that with the implementation of the required landscaping that the project will conform to the purpose and intent of the North Tustin RSF Designation.

RECOMMENDED ACTION:

Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff presentation and public testimony as appropriate; and,
- b. Approve Planning Application PA02-0090 for a Use Permit subject to the attached Findings and Conditions of Approval.

Respectfully submitted

Chad G. Brown, Section Chief
CPSD/Site Planning Section

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ATTACHMENTS:

- Appendix A. Recommended Findings
- Appendix B. Recommended Conditions of Approval

EXHIBITS:

1. Applicant's Letter of Explanation
2. Site Photos & Applicant's Photos
3. Project Plans

APPEAL PROCEDURE:

Any interested person may appeal the decision of the Zoning Administrator on this permit to the Orange County Planning Commission within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$245.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana.